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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE  
KOLKATA BENCH

Original Application No. 77/2025/EZ

**In the matter of:**

Mohammad Rizwan

...Applicant

**Versus**

The State Level Environmental Impact Assessment Authority, State of  
Bihar & Ors.

...Respondents

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BEFORE THE HONBLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE KOLKATA BENCH

Original Application No. 77/2025/EZ

SL. No. - 1117  
 DATE - 08.08.2025

**In the matter of:**

Mohammad Rizwan

...Applicant

**Versus**

The State Level Environmental Impact Assessment Authority, State of Bihar & Ors.

...Respondents

**REJOINDER TO THE REPLY AFFIDAVIT FILED BY RESPONDENT**

**NO. 1 (SEIAA)**

I, Mohammad Rizwan, son of Imran, aged about 42 years, residing at Habibpur, Bhatuabadi, VTC - Habibpur, PO - Jagdishpur, Bhagalpur, Bihar - 813 113 do hereby solemnly affirm and state as follows:

1. I am the Applicant in the above-mentioned Original Application and am fully conversant with the facts and circumstances of the present case. I am competent to swear this affidavit.



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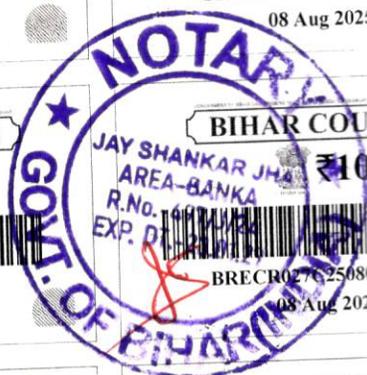
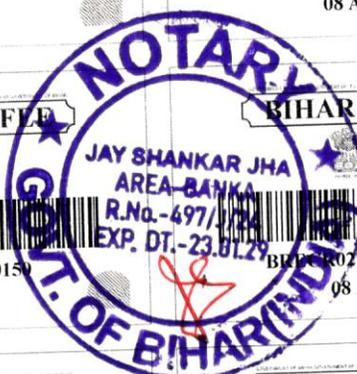
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2. I have carefully perused the Counter Affidavit filed on behalf of Respondent No. 1 SEIAA (hereinafter referred to as the "Respondent's Affidavit") and deny each and every allegation, assertion, and contention made therein, except those specifically admitted herein.

3. The Respondent's Affidavit is an attempt to mislead this Hon'ble Tribunal by distorting facts and misrepresenting the true nature of the proposed desilting and dredging project. The assertions made by the Respondent are speculative, unsubstantiated, and contrary to the principles of environmental justice.

4. With reference to Paragraphs 1 to 5 of the Counter Affidavit, I deny that the role of SEIAA is confined merely to granting Environmental Clearances (EC) under the EIA Notification, 2006. The SEIAA, as a statutory authority, is obligated to ensure strict compliance with all environmental laws, including the Enforcement & Monitoring Guidelines for Sand Mining, 2020 ("2020 Guidelines"). The assertion that no order or action of SEIAA is under challenge is misleading, as the very grant of exemption from EC without adherence to mandatory safeguards is under scrutiny in the present proceedings.

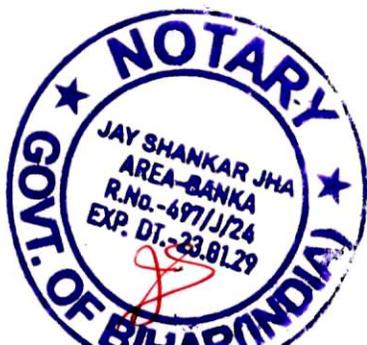
5. With reference to Paragraphs 6 to 9 of the Counter Affidavit, I deny that the dredging activity in question qualifies as a minor mineral



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 mining activity under the EIA Notification, 2006. The project, by its scale and potential environmental impact, falls squarely within the ambit of Category A or B projects requiring prior EC. The attempt to classify it as exempted activity is a colourable exercise of power and amounts to a blatant violation of the precautionary principle enshrined in environmental jurisprudence.

6. With reference to Paragraphs 10 to 12 of the Counter Affidavit, I deny that the District Survey Report (DSR) for Bihar, which excludes the Chandan Reservoir, complies with the 2020 Guidelines. The non-inclusion of the Chandan Reservoir in the DSR constitutes a patent violation of Clause 4 of the 2020 Guidelines, which mandates the identification of all potential sand mining sites in the DSR. Reliance is placed on the judgment of the Hon'ble Supreme Court in State of U.P. vs. Gaurav Kumar & Ors., wherein it was held that the 2020 Guidelines are binding and mandatory. Environmental Clearance cannot be granted in the absence of a valid DSR, and any attempt to bypass this requirement is illegal. I deny that the Office Memorandum dated 12.07.2023 (Annexure R/2) provides a valid exemption from EC for the dredging and desilting of the Chandan Reservoir. The exemption is contingent upon adherence to the National Framework for Sediment Management, 2022, which has not been complied with in the present case. Specifically, no replenishment study has been



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conducted to compute the quantity <sup>X</sup> of sand that can be sustainably mined, in violation of Clause 5 of the 2020 Guidelines. The absence of such a study renders the entire dredging process arbitrary and environmentally unsustainable.

7. With reference to Paragraphs 13 to 16 of the Counter Affidavit, I deny that the tender document issued by the Government of Bihar incorporates adequate environmental safeguards. The mere mention of the National Framework for Sediment Management, 2022, in the tender document does not absolve the Respondents of their obligation to conduct a replenishment study or include the Chandan Reservoir in the DSR. The purported provisions for environmental clearance are illusory, as the tender process has been initiated without fulfilling these mandatory prerequisites.

8. With reference to Paragraph 17 of the Counter Affidavit, I deny that the SEIAA has no role to play at this stage. The SEIAA has a proactive duty to ensure that no project proceeds without complying with all environmental norms, including the 2020 Guidelines. The failure to do so amounts to a dereliction of statutory duty.

9. With reference to Paragraphs 18 to 20 of the Counter Affidavit, I deny that the Respondents have taken all possible steps to comply



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with the directions of the Hon'ble Tribunal. On the contrary, the Respondents have persistently violated the 2020 Guidelines by proceeding with the tender process without a valid DSR or replenishment study.

10. I reiterate that the non-compliance with the 2020 Guidelines, particularly the absence of a valid DSR and replenishment study, constitutes a fatal flaw in the project. The attempt to rely on an exemption from EC without adhering to the underlying safeguards is a colourable exercise of power and deserves to be struck down.

11. The prayers sought in the Original Application are just, lawful, and necessary to prevent irreversible environmental harm. The Respondent's plea for dismissal of the Application with costs is unjustified and deserves to be rejected.

12. That I solemnly affirm that the contents of this affidavit in paragraph nos. 1 to 9 are true and correct to the best of my knowledge, information, and belief, and no part of it is false or misleading and the rest thereof are my humble submissions before this Hon'ble Tribunal.

मो. दिवान  
Deponent



Jay Shankar Jha  
Jay Shankar Jha  
Notary Public  
BANKA (Bihar)  
R.No.-497/J/24

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VERIFICATION

I, the deponent above-named, do hereby verify that the contents of this affidavit are true and correct to my knowledge, derived from official records and personal belief, and no part of it is false or misleading.



✓ श्री रिववान  
Deponent

Identified by:

Sudhakar Mishra, Adv.  
Advocate for the Applicant

8/08/2025

Place: Banka Eno-1954/01

Date: 8/08/2025

Sri/Smt. Mohammad Rizwan  
who is/are identified by  
Sri/Smt. Sudhakar Mishra  
Advocate, Banka Solemnly Affirmed  
declare before me.

Jay Shankar Jha  
Notary Public  
BANKA (Bihar)  
R.No.-497/J/24